

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

No. CR 10-2653 JB

DERRICK IVAN JIM,

Defendant.

**MEMORANDUM OPINION AND ORDER**

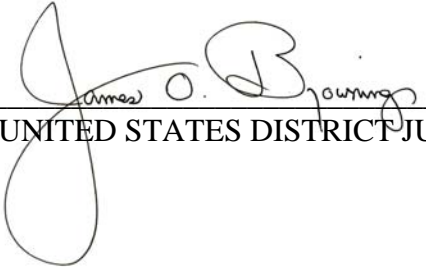
**THIS MATTER** comes before the Court on the United States’ Motion in Limine to Permit Testimony from Medical Providers Regarding Victim’s Statements Pursuant to Fed. R. Evid. 803(4), filed December 20, 2011 (Doc. 71)(“Motion”). The Court held a hearing on December 30, 2011. The primary issue is whether the Court should permit testimony from Dr. Graham Tull, M.D. and Sexual Assault Nurse Examiner Margaret (“Peggy”) Finnegan-Stanfield, R.N. regarding Jane Doe’s statements to them during her post-assault emergency room and sexual assault examinations pursuant to rule 803(4) of the Federal Rules of Evidence. Jim filed no response to this Motion. At the hearing, Jim indicated that he does not oppose this Motion. See Transcript of Hearing at 51:18-52:5 (December 30, 2011)(Court, Chacon)(“Tr.”).<sup>1</sup> The Court also finds that the statements are admissible under rule 803(4). Accordingly, the Court will grant the Motion.

**IT IS ORDERED** that the United States’ Motion in Limine to Permit Testimony from Medical Providers Regarding Victim’s Statements Pursuant to Fed. R. Evid. 803(4), filed December 20, 2011 (Doc. 71), is granted. The Court rules that the United States may introduce Jane Doe’s

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<sup>1</sup>The Court’s citations to the transcript of the hearing refer to the court reporter’s original, unedited version. Any final transcript may contain slightly different page and/or line numbers.

statements to Dr. Graham Tull, M.D. and Sexual Assault Nurse Examiner Margaret (“Peggy”) Finnegan-Stanfield, R.N. during her emergency room and sexual assault examinations pursuant to rule 803(4) of the Federal Rules of Evidence.



UNITED STATES DISTRICT JUDGE

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